

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

DEC 07 2015

United States of America)

v.)

LUIS GERARDO BETANCOURT,
United States Citizen, 1996)

Case No. M-15-2104-M)

Clerk of Court

SEALED

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 4, 2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 1001 (a)(2)


Whoever within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully makes any materially false, fictitious, or fraudulent statement or representation.

This criminal complaint is based on these facts:

SEE ATTACHED

☒ Continued on the attached sheet.Approved by
David A. Lindenmuth
Complainant's signature
Special Agent Lynette R. Linn
Printed name and title

Sworn to before me and signed in my presence.

Date: 12/07/2015City and state: McAllen, Texas
Judge's signature
Dorina Ramos
US Magistrate Judge
Printed name and title

Attachment "A"

Affidavit

1. On or before November 30, 2015, a Mexican national female (MNF1) residing in Florida and present illegally in the United States paid a coyote to bring her minor daughter from Mexico to her residence in the United States(U.S.). On December 1, 2015, an unidentified male (UM), contacted MNF1 and stated her daughter and a friend were transported to the U.S. and that MNF1 would need to deposit the remaining fees for her daughter, and the three others being transported with her daughter. MNF1 explained to the UM the amount of money the UM was asking for was more than MNF1 had previously agreed to. The UM told MNF1 to do whatever she needed to do in order to get the money and if MNF1 did not they would kill MNF1's daughter.
2. From approximately 9:13 a.m. to 10:23 a.m. central standard time (CST) on December 2, 2015, a UM called MNF1, utilizing telephone number ending in 8716, multiple times and pressed her to deposit money, or they would kill MNF1's daughter. The UM asked MNF1 if she wanted to hear her daughter scream, and threatened to cut off her ear or fingers.
3. On December 3, 2015, the UM contacted MNF1 and demanded another \$18,000. MNF1 explained that she only had another \$1,000 to give. The UM stated he would sell MNF1's daughter for the requested amount. The UM continued to call MNF1 from a Mexico based phone number, ending in 2011.
4. On December 4, 2015, Special Agents of the Federal Bureau of Investigation (FBI) received the aforementioned information. Agents contacted Metro PCS and executed an exigent circumstances request on telephone number ending in 8716, subscribed to by LUIS GERARDO. This phone pinged near the 7600 block of Blanca Road, Pharr, Texas. Agents conducted surveillance and noticed a dark colored Ford truck registered to LUIS G BETANCOURT.
5. At approximately 8:07 p.m. central standard time (CST), Agents conducted a welfare search at 7609 Blanca Road, Pharr, Texas. LUIS GERARDO BETANCOURT was located in the residence and stated the white Samsung phone, phone number ending in 8716, was his. BETANCOURT was then transported to the FBI office in McAllen, Texas. At approximately 10:07 p.m. CST, he was read his advice of rights and agreed to speak with Agents. During the interview BETANCOURT stated that he was not currently involved with any illegal activity to include the smuggling of undocumented aliens into the United States.
6. When Agents asked BETANCOURT about telephone number ending in 2011, listed as "CHRI" in his Samsung phone, he stated on the evening of December 1, 2015, while traveling in Reynosa, Tamaulipas, Mexico BETANCOURT was stopped by CHRI. This was the first time he met CHRI. BETANCOURT felt intimidated and feared getting hurt or having his truck stolen, so

**GOVERNMENT
EXHIBIT**

A

he gave CHRI a ride. During this ride CHRI utilized ^{his phone} ending in 8716 and BETANCOURT's blue ZTE flip style phone, telephone number ending in 7973, to make multiple phone calls. After approximately three hours, BETANCOURT dropped CHRI at an unknown location in Reynosa, and BETANCOURT crossed back into the U.S. alone. BETANCOURT stated since he met CHRI, CHRI had been calling him and BETANCOURT tried to talk to him back; however, BETANCOURT stated that he hung up on CHRI when he called. He further stated that CHRI would do the same when BETANCOURT returned his phone calls.

7. Analysis of the phone Samsung phone 8716 revealed the following events with telephone number 2011: Beginning at approximately 12:05 a.m. CST on December 1, 2015 through December 4, 2015, there were approximately, 8 incoming calls lasting between 18 seconds and 6 minutes and 25 seconds. Approximately, 28 outgoing calls lasting between 1 second and 2 minutes and 58 seconds. The total duration of incoming and outgoing was approximately 43 minutes and 19 seconds. There were also nine text messages. Between 9:43 p.m. and 9:54 p.m. CST on December 3, 2015, there were six outgoing messages, from phone number 8716 to 2011, that discuss the purchase of food and going to the other side.

8. A search of Department of Homeland Security (DHS) records revealed, BETANCOURT traveled from Mexico to the U.S. at approximately 11:42 p.m. EST on December 2, 2015 and at approximately 11:19 p.m. CST on December 3, 2015.

9. BETANCOURT stated to FBI Special Agents that he met the individual he associates with phone number ending in 2011, between the evening hours of December 1, 2015, and when he crossed back into the U.S. on the same day. BETANCOURT further stated that he did not have a conversation with the user of 2011. According to DHS records, BETANCOURT crossed back into the U.S. at 10:42 p.m. CST on December 2, 2015. Prior to 5:45 p.m. CST on December 2, 2015 there were approximately 5 incoming calls and 36 outgoing calls, between 2011 and 8716, and a total duration of approximately 25 minutes. Additionally there were three text messages prior to 5:45 p.m. CST on December 2, 2015.